

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 2:12CR
	)	
CHRISTOPHER BRYAN WILLINGHAM,	)	
	)	
Defendant.	)	

STATEMENT OF FACTS

The parties stipulate that the allegations in Count One of the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

1. On November 1, 2011, at approximately 11:51 p.m., Virginia Beach Master Police Officer Sostak and Virginia Beach Officer Canning received a call from the Virginia Beach Police dispatcher requesting assistance to locate a suspect who ran from a vehicle that was stopped by a Virginia Beach Narcotics Unit in the Red Mill area of Virginia Beach, Virginia. Officers Sostak and Canning are both helicopter pilots for the Virginia Beach Police Department. Officers Sostak and Canning promptly took off in the Virginia Beach Police Department's Bell Helicopter Textron. Officer Sostak was serving as the pilot and Officer Canning was serving as the co-pilot, who was also responsible for attempting to spot the suspect who ran away. The helicopter was thereafter within the special aircraft jurisdiction of the United States, as that term is used in Title 18, United States Code, Section 32, because the helicopter was in flight in the United States, specifically Virginia Beach.

2. At approximately 11:53 p.m., Officers Sostak and Canning arrived in the Red Mills area and started searching local neighborhoods for the suspect who ran on foot from the traffic stop. Approximately five to ten minutes into their search, a bright green laser beam entered the helicopter cockpit area through the window of the left door and front window screen areas of the cockpit. As the laser beam entered the cockpit, the laser beam's light refracted as a result of passing through the cockpit windows and filled the cockpit with bright green light.

3. From around approximately 11:53 p.m., to around approximately 12:39 a.m., Officers Sostak and Canning observed the bright green laser light enter the cockpit approximately ten separate times. During these separate times, the laser light would be continuously shined into the cockpit for a period of time. Due to the danger from the laser light shining into the cockpit, Officer Sostak has to break away from assisting the ground units on three separate occasions.

4. At one point, Officer Sostak discontinued his search for the suspect and responded to the location where the green laser light appeared to be originating. Officers Sostak and Canning were able to locate the individual who was pointing the laser at the cockpit at an address on Chigwell Road in Virginia Beach. As the officers initially approached this address in the helicopter, they observed a person in the backyard of the location who was still pointing a laser into their cockpit. Officer Sostak then turned on the Night Sun, which is a high powered spot light attached to the bottom of the helicopter, and shined the spotlight in the back yard of the Chigwell Road address in an effort to cause the individual to stop pointing the laser at the helicopter. The individual on the ground at that point stopped pointing the laser at the helicopter and entered the back door of the Chigwell Road address.

5. Officer Sostak then proceeded to pilot the helicopter back to the area where they had been previously attempting to locate the individual who fled from the traffic stop. As Officers Sostak and Canning resumed their search patten, the individual with the green laser exited his house and continuously pointed his green laser into the cockpit of the helicopter. At one point, the laser beam hit Officer Sostak in the left eye, causing him to see black spots and incapacitating him to the point where he was unable to monitor the instruments of the aircraft. Officer Sostak requested that Officer Canning take control of the aircraft until he was able to get his sight back.

6. Once Officer Sostak was able to see clearly, he discontinued searching for the traffic stop subject and piloted the helicopter back to the area of the Chigwell Road address, again in an effort to try and get the individual to stop pointing the green laser at the cockpit. As the officers again approached the address, the individual on the ground continued to point the green laser beam at them. Officer Canning contacted the Virginia Beach police dispatcher and requested that a marked patrol unit be sent to the Chigwell Road address.

7. When the marked patrol unit responded to the Chigwell Road address, the defendant, CHRISTOPHER BRYAN WILLINGHAM, was encountered by the officer and identified as the individual who had been shining the green laser at the helicopter. WILLINGHAM was subsequently interviewed by an FBI agent. After being provided with *Miranda* warnings, WILLINGHAM gave a statement in which he admitted to shining the green laser at the helicopter. WILLINGHAM stated that when he obtained the green laser it had safety warnings on it stating that it was dangerous. WILLINGHAM admitted that he shined the laser at the helicopter for approximately 20 minutes. WILLINGHAM stated that a pilot can be confused

by the laser and he also stated that he was very sorry for shining the laser at the helicopter.

8. The acts of the defendant in furtherance of the offense charged in this case, including the acts described above, were done willfully and knowingly with the specific intent to violate the law. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offenses charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities. The defendant further acknowledges that he is obligated under his plea agreement to provide additional information about this case beyond that which is described in this statement of facts.

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

By: \_\_\_\_\_  
Benjamin L. Hatch  
Assistant United States Attorney

Defendant's Signature: After consulting with my attorneys and pursuant to the plea agreement entered into this day between myself, the United States and my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

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Christopher Bryan Willingham  
Defendant

Defense Counsel's Signature: I am Christopher Bryan Willingham's attorney. I have carefully reviewed the above Statement of Facts with him. To the best of my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

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George Neskis, Esq.  
Counsel for the Defendant